

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
Appellate Side

Present:

The Hon'ble Justice Ajay Kumar Gupta

C.R.R. 885 of 2017

Smt. Anjana Roy

Versus

The State of West Bengal & Anr.

For the State : Mr. Pravas Bhattacharya, Adv.
Mr. Mirza Firoz Ahmed Begg, Adv.

Heard on : 11.01.2024

Judgment on : 06.02.2024

Ajay Kumar Gupta, J:

1. Petitioner being the de-facto complainant filed this instant application under Sections 401 and 482 of the Code of Criminal Procedure, 1973 seeking quashing and/or setting aside the judgment

and order dated 23.12.2016 passed by the learned Judge, Special Court (EC. Act) -cum- Additional Judge, 2nd Court, Coochbehar in Criminal Revision No. 10/2015 thereby rejected the prayer of the petitioner for reinvestigation against Final Report submitted by Investigating Officer and subsequently accepted by the learned Additional Chief Judicial Magistrate, Mekhliganj vide order dated 02.01.2015 in connection with proceeding initiated being FIR No. 178 of 2014 dated 26.08.2014 under Sections 341/323/379/506/34 of the Indian Penal Code.

2. The factual matrix of the case is that on 26.08.2014 the petitioner Anjana Roy, daughter of Late Kalish Chandra Roy lodged a written complaint against accused Smt. Bhana Singha Roy alias Bhuna Singha Roy and Dipali Singha Roy to the effect that on 26.08.2014 at about 12 hrs while brother of the complainant/petitioner, Pradip Roy returning home from BDO office, at that point of time, the above noted accused persons attacked and assaulted the brother of the complainant with fist and blows in front of Registry Office, HDB, CoochBehar. Accused persons also took away one gold ring from him amounting to Rs. 17,492/- and further threatened with dire consequences of his life resulted in registration

of Haldibari P.S. Case No. 178/2014 dated 26.08.2014 under Sections 341/323/379/506/34 IPC against both the accused persons. At the same time, one counter case was started over the said incident on the basis of written complaint lodged by Bhuna Singha Roy alias Bhana Singha Roy against accused Pradip Roy, brother of Anjana Roy and the same was registered as Haldibari P.S. Case No. 177/2014 dated 26.08.2014 under Sections 341/323/354(B)/506/509 IPC. Subsequently, IO after investigation, submitted a final report being FRT No. 186/2014 dated 30.09.2014 under Sections 341/323/379/506 and 34 of the IPC in Haldibari P.S. Case No. 178/2014 dated 26.08.2014 under Sections 341/323/379/506/34 IPC before the learned Additional Chief Judicial Magistrate, Mekhliganj vide order dated 02.01.2015. The said FRT was accepted after affording being heard to the petitioner after filing a protest petition.

3. Feeling aggrieved by and dissatisfied with the said impugned order dated 02.01.2015 passed by the Learned Additional Chief Judicial Magistrate, Mekhliganj, the petitioner herein filed a revisional application. After hearing, the learned Judge, Special Court (EC. Act) –cum- Additional Judge, 2nd Court, Coochbehar vide order

dated 23.12.2016 dismissed the said revisional application and affirmed the order dated 02.01.2015 passed by the learned Additional Chief Judicial Magistrate, Mekhliganj. Again, being aggrieved by and dissatisfied with the said order passed by the Ld. Judge, the present application has been filed and the same is pending for consideration for disposal since 2017.

4. No body appears on behalf of the petitioner. Even on earlier occasions, no one represented. No accommodation was sought for.

SUBMISSION ON BEHALF OF THE STATE:

5. Learned Advocate appearing on behalf of the State filed a report dated 10.12.2023 and further submitted that upon perusal of the materials available in the CD, the learned Magistrate has rightly accepted the FRT filed by the investigating officer. During investigation, no prima facie case has been established against the accused persons. Furthermore, the learned Judge, Special Court (EC. Act) –cum- Additional Judge, 2nd Court, Coochbehar found no merit in the revisional application and finally dismissed on contest. Therefore, this case has no merit for consideration for re-investigation or further investigation of the aforesaid case.

DISCUSSIONS AND ANALYSIS BY THIS COURT:

6. Having heard the submission of the State and on perusal of the report, it appears after investigation, the IO could not collect the materials against accused persons for an offence punishable under Sections 341/323/379/506/34 of IPC and after completion of investigation, the IO filed final report as false and same was accepted by the learned Magistrate after going through the materials available in the CD including the statements recorded under Section 161 of CrPC of the witnesses. Furthermore, the learned Judge also considered the entire matter and finally dismissed the revisional application on the ground that the revisional application has devoid of merit as there are no materials available in the CD against the accused person. So, this Court does not find any illegality or perversity in order passed by both the Courts below and this Court also concurs the order dated 02.01.2015 passed by the learned Magistrate as the petitioner fails to make out a case for further investigation. Hence, this revisional application has devoid of merit.

7. Accordingly, **C.R.R. 885 of 2017** is, thus, dismissed without order as to costs.

8. Interim order, if any, is hereby vacated
9. Let a copy of this judgment and order be sent to the learned Court below for information.
10. Parties shall act on the server copies of this order uploaded on the website of this Court.
11. Urgent photostat certified copy of this judgment, if applied for, is to be given as expeditiously to the parties on compliance of all formalities.

(Ajay Kumar Gupta, J)

P. Adak (P.A.)